

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,
Plaintiff,

v.

KEVIN A. PERRY, JR.,
Defendant.

**CIVIL ACTION
NO. 4:17-cr-40010-TSH**

ORDER ON DEFENDANT’S MOTION FOR RECONSIDERATION (Docket No. 288)

August 31, 2021

HILLMAN, D.J.,

Before the Court is Kevin Perry’s ninth motion for compassionate release. (Docket Nos. 232, 240, 245, 249, 256, 261, 275, 283). Mr. Perry has served approximately 37% of his 168-month sentence for nine counts of money laundering in violation of 18 U.S.C. § 1956(a)(1)(B), three counts of unlawful structuring of cash deposits of 31 U.S.C. §§ 5324(a); one count of false statement on a loan application; and one count of distribution of fentanyl in violation of 21 U.S.C. §§ 841(a) and (b)(1)(A). As discussed in my prior orders denying Mr. Perry’s requested relief, he is at an increased risk of hospitalization or a severe course of COVID-19 due to leukopenia, or a low white blood cell count, and an increased risk due to his age (47) compared to younger individuals.

Once again, I find that Mr. Perry has not demonstrated that COVID-19 and his unique medical conditions constitute the “extraordinary and compelling reasons” necessary to grant compassionate release under 18 U.S.C. § 3582(c)(1)(A). The Court recognizes that the Delta variant of the COVID-19 virus is many times more transmissible than the original variant strains

that plagued the United States throughout 2020 and early 2021. Despite Mr. Perry's claim that there is a new outbreak at FCI Berlin, where he is incarcerated, there are currently zero inmate and only two employee COVID-19 cases reported at that facility. (BOP: CORONAVIRUS, <https://www.bop.gov/coronavirus/> (last visited August 30, 2021)). The Court concedes that Mr. Perry is more susceptible to contracting the virus because he is unvaccinated, but there is no crisis at FCI Berlin which warrants his release. Considering that dynamic in light of the fact that Mr. Perry has only served 37% of his sentence for serious drug offenses, Mr. Perry has still not demonstrated that he meets the requirements to obtain a compassionate release. Therefore, the motion is **denied, without prejudice.**

SO ORDERED.

/s/ Timothy S. Hillman
Timothy S. Hillman
District Judge